

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ERIC CERVINI, WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY, Plaintiffs, v. ELIAZAR CISNEROS, HANNAH CEH, RANDI CEH, STEVE CEH, KYLE KRUGER, JOEYLYNN MESAROS, ROBERT MESAROS, and DOLORES PARK, Defendants.	Civil Action No. 1:21-cv-00565-RP Hon. Robert Pitman
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NOTICE OF DISMISSAL OF DEFENDANT KYLE KRUGER

The Court is hereby notified that Plaintiffs Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway (“Plaintiffs”) have reached a settlement with Defendant Kyle Kruger, *pro se*. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), Plaintiffs hereby provide the Court with notice of their voluntary dismissal with prejudice of all claims against Kyle Kruger in the above captioned action. As this notice of dismissal is filed before Defendant Kruger has answered or otherwise responded to Plaintiffs’ First Amended Complaint, Plaintiffs are entitled as a matter of right to dismissal following this notice to the Court. *See, e.g., Plains Growers By & Through Florists’ Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc.*, 474 F.2d 250, 255 (5th Cir. 1973) (Rule 41(a)(1) “permit[s] dismissal against such of the defendants as have not served an answer or motion for summary judgment, despite the fact that the case might remain pending against other defendants.”).

Respectfully Submitted,

DATED: April 27, 2023

By: /s/ Cerin Lindgrensavage

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2023, a true and correct copy of the foregoing has been served on all counsel of record as well as *pro se* Defendants through the Electronic Case File System of the Western District of Texas in compliance with the Federal Rules of Civil Procedure, and by email as agreed upon by the parties.

DATED: April 27, 2023

Respectfully submitted,

/s/ Cerin Lindgrensavage